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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LOPEZ, MICHELLE

ART UNIT PAPER NUMBER

3721

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/625,518	Applicant(s) ORETTI, JOHN ERNEST	
	Examiner Michelle Lopez	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,9-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/2/04, 2/3/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on December 02, 2004.
2. Claims 2-3, 7-8, and 12 have been canceled.
3. New claims 14-17 have been added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,4-6,9-11, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palm (4,682,918) in view of Satoh (US 4,892,013).

With respect to claim 1, Palm discloses a power tool including a driven member via the chuck 22 that is operable to grip and drive one drill bit (not shown numerically), a power drive means such a motor (not shown numerically) connected to the chuck body part 24 and operates to rotate the chuck 22 via the spindle 18, and a selector means via 16.

The power tool 10 being operable in either a working mode in which the chuck 22 is driven to enable the drill bit perform work or an adjustment mode in which the chuck 22 is adjusted to grip or release the drill bit (see col. 3, lines 36-45).

The chuck 22 includes a body part 24 having a chuck head 36, and an adjustment part 34 with an adjusting nut via 32, that when in an adjustment mode the body part 24 and the adjustment part 34 are moveable relative to one another to grip or release the drill bit, and the

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parts 24 and 34 move together in the working mode to enable a working element to perform work (see Abstract lines 1-14).

With respect to claim 1, since Palm'918 teaches a drill housing enclosing a customary reduction gearing, it is deemed that the driven member 22 is connected to a motor via a gearing assembly.

With regards to claim 1, even that Palm discloses the invention substantially as claimed including a power drive with a motor, a selector 16, and further including a customary reduction gearing assembly via gear case 20 as shown in col. 2; 41-44, Palm does not specifically disclose that the motor is driven at slow speed or a relative fast speed via the operation of the selector, wherein the selector cause the power drive to drive at a slow speed when in the adjustment mode.

However, Satoh teaches a variable speed gearing assembly in a rotary electric tool with a motor 2 that is operable to drive a body part (not shown numerically), connected at the vicinity of a spindle 23, at either a slow or a fast speed, wherein the rotational speed is caused by a selector means via 46,38 for the purpose of providing a variable speed gearing apparatus capable of operates as either a selected slow or fast speed due the power tool driving operation performed. In view of Satoh, it would have been obvious to one having ordinary skills in the art to have provided Palm's invention having a variable speed gearing assembly with a motor operable to drive a chuck body part being connected to a rotational spindle, at either a slow or fast speed, wherein the rotational speed is caused by a selector means in order to provide a variable speed gearing apparatus capable of operates as either a selected slow or fast speed due the power tool driving operation performed.

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With respect to claim 4, Palm discloses locking means 40 operable to engage the adjustment part 34 and enable the two parts 34,24 to move relative to one another, wherein said selector 16 is operable to cause said lock 40 to engage with or disengage from said adjustment part 34.

With regards to claims 5 and 6, it is deemed that the power tool is in the working mode when the locking means 40 is disengaged from the adjustment part 34, since in this mode the lugs 58 of the adjustment part 34 are not locked by the locking lugs 56 of the locking means 40, thereby the adjustment part 34 is enable to rotate in conjunction with the chuck body part 24. Vice versa, the power tool is in the adjustment mode when the locking means 40 is engaged with the adjustment part 34, since in this mode the lugs 58 of the adjustment part 34 are locked by the locking lugs 56 of the locking means 40, thereby the adjustment part 34 is stopped to rotate with the chuck body 24.

With regards to claim 11, the rotation of the chuck head 36 relative to the adjustment nut 32 moves two or more jaws 30 to grip or release a drill bit.

With respect to claim 14, Palm discloses wherein the lock 40 includes an internal spline 56, the adjustment part 34 including a complementary external spline 58 that is engaged by the internal spline of the lock when the power tool is in the adjustment mode.

With respect to claim 15, Palm discloses wherein the lock 40 is moved in the direction of an axis of the power tool between engaging the adjustment part and disengaging from the adjustment part.

With respect to claim 16, Palm discloses wherein the internal spline and external spline extend in the direction of the axis of the power tool as shown in Fig. 2.

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With respect to claim 17, Palm does not disclose wherein the gear assembly includes a ring gear that is movable in the direction of the axis of the power tool to change between the slow speed and fast speed, and the power tool including linkage means to link the ring gear to the lock to move with the ring gear.

However, Satoh discloses a gear assembly with a ring gear 31 that is movable in the direction of the axis of the power tool to change between the slow speed and fast speed as shown in col. 5; 61-68 and col. 6; 1-7, and the power tool including linkage means to link the ring gear 31 to a lock 38 to move with the ring gear as shown in Figs. 7-8 for the purpose of providing a variable speed gearing apparatus for a rotary electric tool as shown in the Abstract. In view of Satoh, it would have been obvious to one having ordinary skill in the art to have provided Palm's invention further including a ring gear that is movable in the direction of the axis of the power tool to change between the slow speed and fast speed and a linkage means to link the ring gear to a lock to move with the ring gear in order to provide a variable speed gearing apparatus for a rotary electric tool.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not deemed persuasive.
6. Applicant contends that Palm does not describe a power tool capable of operating in slow and fast speeds, and having a selector operable to cause the power tool to operate at a slow speed when the power tool is in the adjustment mode.

Also, applicant contends that the subject matter of claim 1 is not obvious in light of the combination of Palm and Satoh.

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However, Examiner contends that Palm's customary reduction gearing assembly via gear case 20, locking mechanism 40, and selector 16 are capable of operating in slow and fast speeds as modified and described by Satoh.

Applicant also contends that Palm describes being operable in an adjustment mode by moving collar 40 axially to the left and if one were to attach the chuck head of Palm onto the gear train of Satoh, the combined power tool operate at high speed when in the adjustment mode, since Satoh describes moving a shaft to a left causes the gear train to operate at a high speed.

However, Examiner contends that Palm's sleeve 40 is being described as a locking means enabling an adjustment mode, not as a selector for varying the tool speed.

Furthermore, claim 1 merely discloses a selector operable to cause the power drive to drive the body part at a slow speed when in the adjustment mode. Therefore, the direction of the axial movement of the selector is not relevant to the drive speed as not being disclosed in the claims.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML


JOHN SIPOS
PRIMARY EXAMINER